

REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

Submitted herewith is a copy of EP A 0396039 that was cited in the IPER as requested by the Examiner.

The drawings have been objected to as not showing the features recited in claims 16, 17 and 18. Thus, claims 16, 17 and 18 have been cancelled herewith.

In the first instance we are pleased to note that the Examiner has raised no objection to novelty of the subject matter of the application.

With regard to the objections raised under inventive step, we submit that the rejection of the claims under 35 USC 103 is amended for the following reasons.

The Examiner should firstly be aware of the use of the current invention. The invention is provided for use in a washroom or urinal facility visited by, typically large numbers of, members of the public. Such a washroom can be provided in a transit service area, railway station, sports stadiums, restaurants, bars and the like. Thus, it is important that the Examiner appreciates that the facility is not a "single user" facility such as would be provided for example in a domestic premises and is not a "single user" facility as is, for example, an item of gym equipment. As a result of this potential large number of users at any given time, there are peculiar problems to be addressed with respect to the showing of advertising material to those users. These problems can be experienced by advertisers in other areas but are addressed in a different way. For example, in a cinema where a large number of people watch a movie on a screen there is a need for advertisers to be aware of the numbers of people watching the adverts

displayed prior to the movie. In this case advertisers pay large amounts of money and spend large amounts of time analyzing ticket sales for particular films, demographics or cinemagoers and the like.

In this application, the inventor had identified a potential market that would be attractive to product advertisers and also one that provides a unique opportunity to advertisers in that visits to a washroom are not matters of choice but more often of necessity such that persons from all demographic boundaries use the facility. Due to the nature of a washroom facility, the users, while only present in the facility for a relatively short period of time, would be positioned in one or a number of known locations in the washroom so as to be exposed to, and almost being forced to view, advertising material displayed to them. With this background the current invention, which provides the solution to the practical problems of unlocking the advertising potential, can now be described and compared to the prior art.

The Examiner's main cause for objection is based on the Lowe Patent U.S. 6,298,218, in combination with one, or a number of, other patents. Dealing firstly with Lowe, this patent relates to the transmission of suitable advertising, or other material, to an entertainment unit located on an item of apparatus to be used by a person and via which the user can already receive a plurality of music and/or video channels on different frequencies. Thus, it is clear that this patent is related to the improved use and control of an existing entertainment unit provided, for example, on a treadmill in a gym which is the most frequently used example in this patent.

The Lowe patent is aimed at providing advertising material to a single user of the apparatus for a relatively long period of time. For the system of the Lowe patent to be

effective, the system must, firstly, detect the presence of a user, then identify that user or characteristics of that user and then control the particular adverts to be displayed to that person, depending on the identified age, profile or other characteristics. Lowe does disclose a feedback system but only to allow user interaction to set preferences or send back requests. In the system of Lowe there is no suggestion or need for data relating to the number of persons watching the entertainment means to be sent back to a remote control centre as only one person is watching the entertainment means at any one time and the control centre has already determined what is to be shown at each specific treadmill in response to a particular user identity.

In Lowe, the adverts are only transmitted and generated to be viewed by the user of the apparatus, once use of the apparatus has been identified. As the advertising material which is shown to that user is controlled and transmitted at that time, there is a time delay before the display starts while the data is transmitted, processed and the specific display generated. This is appreciated in Lowe, which suggests that the user can prepare themselves for use of the apparatus while waiting for the display to be generated. Thus, the control centre already knows what the user will see.

In contrast, in the current invention, the advertising display data is transmitted to the washroom, and located and stored in memory in the washroom. The data is transmitted at time intervals such as days or weeks, and is done in response to which advertisers have paid for their adverts to be shown over that time period rather than being influenced by a particular user detection. Furthermore, in the current application, the user has no interaction with the display system, the system simply detects the presence of one or a number of persons using the facility at that time. Thus, the advertising displays are

displayed in the washroom either constantly or when a person's presence is sensed. No new material is transmitted to the washroom location in response to a user being detected as the transmission time would be too long and it could not be ensured that the user was still in the detected location by the time the display could be generated.

Thus, as the current system cannot be reactive to the presence of a person, and the advertising material is always available for view in the washroom, the advertiser needs to have some form of indication as to the number of persons who have actually seen the material so that they can ascertain whether they are getting value for the money spent on placing the advert. The current invention allows this indication to be provided by the transmission of data back to a remote location, this data indicating the number of users of the washroom facility at that instant or over a given time period, so as for example, to identify periods of peak use for advertisers, back to the remote location. A further difference is that in the current application, the system can cope with the presence of a plurality of users at the same time, with the detection of each of the users recorded and logged in memory at the washroom location and from which memory the data can be retrieved. Furthermore, a number of sensors can be provided to allow a number of users at different locations in the facility to be identified and detected.

Notwithstanding that there are clear differences between the system of the Lowe patent and the current invention and the purposes of the systems, we can turn now to the assumption of the Examiner that it would be obvious to use the Lowe system in a washroom facility in conjunction with other patents to arrive at the current invention. Firstly, as discussed above, the Lowe system would not work effectively in a washroom

and, as such, cannot realistically be used by the Examiner as a base with which to combine the features of another patent or patents.

Looking now at the other patents, briefly, Roach shows a fixed display, which is no more than a sign adapted for use in a urinal. Ort shows a fixed display, which is no more than a sign, which becomes viewable under certain conditions. Lakin shows a fixed display which is no more than a sign adapted for use on a flush cap, and White Jr. et al. relates primarily to a movable public toilet facility. None of these disclosures if combined with the accurate interpretation of Lowe would disclose the current invention.

The Examiner also suggests that Lowe could be combined with Horan but Horan shows only a sensing system as do the other patents which have been raised by the Examiner as showing the use of sensors, and so Lowe in combination with any of these patents cannot be said to anticipate the current invention.

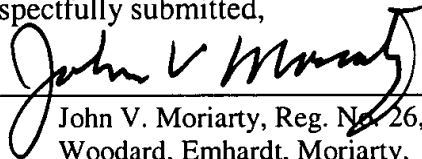
In order to reflect the clear differences indicated above, the claims of the patent have been amended and are enclosed herewith.

The claims have been rejected under 35 USC 112 as indefinite regarding whether the facility, fixture or apparatus. The claims have therefore been amended to claim the facility including the fixture.

We believe that the patent is now in order for grant.

Respectfully submitted,

By



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